



Washington State Department of Agriculture News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE

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Agriculture Department issues fines and suspensions for pesticide violations

OLYMPIA – For the last quarter of 2001, the state Department of Agriculture issued civil penalties totaling \$7,100 and suspended the pesticide licenses of eight individuals for a total of 101 days. Violations included failing to follow directions on the label, allowing a pesticide to drift onto a person or property, and issuing a faulty inspection report. Fines ranged from \$250 to \$4,050.

The Department of Agriculture enforces state and federal pesticide laws to protect people, property, animals and the environment against the improper use of pesticides. Some 200 allegations of improper distribution or misuse of pesticides, or faulty structural pest inspections are investigated each year. Staff also certifies pesticide applicators, licenses dealers and producers, reviews permits for pesticide applications in environmentally sensitive areas, and provides technical assistance to the pesticide industry and consumers.

A penalty matrix is used to ensure penalties, such as fines or license suspensions, are uniform and fair. The matrix takes into account the seriousness of the infraction, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved.

“Some of the larger penalties often reflect repeat offenses or multiple violations within the same incident,” said Joel Kangiser, a case review officer with the agency’s Pesticide Management Division.

The period of time between a violation and a final order issuing a fine or suspension varies, depending on when the violation is reported and the steps needed to comply with administrative law.

To file a complaint involving the potential misuse of a pesticide, or to verify that an applicator is properly licensed, call the Department of Agriculture toll-free at (877) 301-4555.

David F. Bender, a commercial operator for Heli-Flight Ag Service, Inc. in Zillah, was assessed a \$500 civil penalty and a six-day license suspension. In July of 1999 Bender applied insecticide to a cherry orchard in Benton County. The spray drifted onto a residential property, exposing five people. Bender was not properly licensed at the time of the application.

Roger D. Gibbons, a private applicator in Dayton, was fined \$600 and his license was suspended for 20 days. In April 2000, Gibbons applied a mixture of herbicide and fungicide to his winter wheat. Gibbon’s application

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drifted onto a nearby onion field causing approximately \$19,000 in damage to the onions. Gibbons also failed to follow the directions on the fungicide label and did not maintain adequate pesticide application records.

Galen T. Hieb, the commercial applicator for Hieb Spraying Inc. in Pasco, was fined \$500 and his license was suspended for six-days. In April 2000, Hieb applied a mix of three herbicides to a sweet corn field near Eltopia. The herbicides drifted onto a nearby winter wheat seed crop, causing more than \$2,000 in damages.

William L. Lott, a commercial operator for Farm and Forest Helicopter Service, Inc. in Napavine, was fined \$500 and his license was suspended for four days for two violations that occurred in Lewis County. In May 2001, while Lott was applying insecticide to a crop of Christmas trees, the spray drifted onto an adjacent horse pasture. The following day, while applying fungicide to another crop of Christmas trees, Lott sprayed a passing vehicle and the Lewis County Maintenance Building along State Route 508.

Joe H. Parker, a commercial applicator for Affordable Pest Control in Tacoma, was fined \$4,050 and his license was suspended for 47 days. In May 1998, Parker did an inadequate job inspecting a house in Tacoma for wood destroying organisms. He failed to report evidence of wood rot and conditions that may cause pest infestations. These conditions were visible and evident at the time of his inspection.

David E. Twitchell, a commercial applicator for Pests or Us, Inc. in Wenatchee, was fined \$700 and his license was suspended for 10 days. In November 1999, after treating his yard with herbicide, Twitchell rinsed his spray tank and dumped it out on the shoulder of a public road, a violation of label directions.

Jason M. Zaccaria, a commercial operator for TruGreen Chemlawn in Redmond, was assessed a five-day license suspension. In September 1999, Zaccaria applied insecticide onto residential ornamental plants, including a tall tree located close to the property boundary. The spray drifted onto an organic vegetable garden in the neighboring lot.

Joe Herrin, a private applicator in Kennewick, was fined \$250 and his license was suspended for three days. In June 2000, Herrin applied herbicide to his Timothy hay field. The spray drifted, causing damage to a nearby grape vineyard.

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